

Message Text

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15

ACTION MC-02

INFO OCT-01 ARA-10 ISO-00 PM-04 ACDA-10 DODE-00 EB-07

NRC-07 NSAE-00 TRSE-00 ERDA-07 CIAE-00 COME-00 L-03

INR-07 SY-05 JUSE-00 SP-02 /065 W

----- 117764

R 161655Z FEB 76

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 6759

UNCLAS PANAMA 1165

EO 11652: NA

TAGS: MILI PN

SUBJ: LAWS GOVERNING FIREARM IMPORTATION

REF: A. STATE 28053, B. PANAMA 5495

1. FOLLOWING IS RESUME PANAMA LAW GOVERNING EXPORT OF ARMS AND AMMUNITION REQUESTED REFTEL. APPLICABLE LAWS ARE DECREE 354 OF DEC 29, 1948 (PUBLISHED OFFICIAL GAZETTE FEB 8, 1949), ARTICLE 441 OF FISCAL CODE OF PANAMA AND DECREE 458 OF OCT 17, 1960.

2. DECREE 354 STATES THAT ONLY THE GOVERNMENT MAY MANUFACTURE AND POSSESS ARMS AND IMPLEMENTS OF WAR, DEFINES SUCH ITEMS, PRESCRIBES REGULATIONS FOR IMPORT, STORAGE, SALE AND POSSESSION AND USE OF ANY AND ALL ARMS, MUNITIONS AND EXPLOSIVES AND LODGES WITH THE MINISTRY OF GOVERNMENT AND JUSTICE OVERALL RESPONSIBILITY FOR EXECUTION OF THIS LAW. SECTIONS OF THIS LAW APPLICABLE TO IMPORT LICENSING, STORAGE, TRADE AND USE WERE SUMMARIZED REF B. THESE REGULATIONS ARE ADMINISTERED BY THE GUARDIA NACIONAL (GN), AND ARE APPLICABLE COLON FREE ZONE AS WELL OTHER AREAS PANAMA.

3. ARTICLE 441 OF THE FISCAL CODE STATES THAT ONLY THE GOVERNMENT MAY IMPORT AND POSESS ARMS OF WAR, BUT PROVIDES THAT THE MINISTRY OF GOVERNMENT AND JUSTICE MAY AUTHORIZE THEIR IMPORTATION BY PRIVATE PARTIES WHEN SUCH ARMS ARE DESTINED FOR GOVERNMENT USE OR FOR
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RE-EXPORT, IN WHICH CASE THEY WILL REMAIN UNDER OFFICIAL

CUSTODY AND BE SUBJECT TO REGULATION ESTABLISHED BY THE EXECUTIVE AUTHORITIES.

4. DECREE 458 AMENDS ARTICLE 441 OF THE FISCAL CODE TO PROHIBIT THE IMPORTATION OF ARMS OF WAR DESTINED FOR RE-EXPORT. THIS DECREE OBSERVES THAT SOME ARMS IMPORTED UNDER ARTICLE 441 HAD BECOME CLANDESTINE RE-EXPORTS TO "BROTHER COUNTRIES" FOR THE USE OF GUERRILLAS AND MERCENARIES AND THAT, APART FROM BEING DIFFICULT TO CONTROL, THIS PRACTICE IS AT ODDS WITH HUMANITARIAN PRINCIPALS AND CONTRARY TO INTERNATIONAL CONVENTIONS SUBSCRIBED TO BY ALL STATES.

5. EFFECTIVENESS OF ADMINISTRATION OF CONTROLS WOULD BE DIFFICULT EVALUATE EXCEPT IN ONLY GENERAL WAY. PRIOR TO 1960 PROHIBITION, THERE REPORTEDLY WAS SOME ILLICIT REEXPORT OF ARMS. WE KNOW OF NONE IN RECENT YEARS AND HAVE NO REASON TO DOUBT THAT GN CONTROLS ARE EFFECTIVE. PANAMA'S RELATIVELY EFFECTIVE CUSTOMS ADMINISTRATION WOULD MAKE IT DIFFICULT AND HAZARDOUS FOR PRIVATE PARTIES CONDUCT SIGNIFICANT CONTRABAND ARMS TRADE. GN HAS CAPABILITY TO IMPORT AND RE-EXPORT ARMS WITHOUT DETECTION, ESPECIALLY AT LAS MINAS SEAPORT, GN AREA OF TOCUMEN INTERNATIONAL AIRPORT AND RIO HATO AIRFIELD. HOWEVER, WE KNOW OF NO SUCH SHIPMENTS IN RECENT YEARS.

JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, MUNITIONS CONTROLS, EXPORT CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PANAMA01165
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760059-0698
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760245/aaaabnpx.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION MC
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 28053, 76 PANAMA 5495
Review Action: RELEASED, APPROVED
Review Authority: MartinML
Review Comment: n/a
Review Content Flags:
Review Date: 13 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 JUL 2004 by oatisao>; APPROVED <17 NOV 2004 by MartinML>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAWS GOVERNING FIREARM IMPORTATION
TAGS: MILI, ESTC, PN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006